

TRULINCS 07480408 - KENNER, PHILLIP A - Unit: BRO-J-A

FROM: 07480408  
TO:  
SUBJECT: Kenner follow-up to February 19th, 2018 letter  
DATE: 02/26/2018 06:25:07 PM

2018 MAR 05 PM  
FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ MAR 05 2018 ★

February 26, 2018

LONG ISLAND OFFICE

Dear Your Honor:

I am writing to follow-up the termination letter of last week for several reasons.

There has still been zero communication between my attorney and I, regarding the extension of time or the original filing date. Thus, as far as I would know, my original forfeiture reply would be due in two (2) days. I would not have seen a draft, nor discussed the reply once. Notwithstanding the fact that you extended the reply dates by 30 days, I would have no knowledge of this and been under unnecessary stress (more than accompanies the average violent days in MDC). I was notified by someone in the street over the weekend, so I am aware of the extension.

The lack of communication further accentuates the issues that exist with an attorney who is too busy to handle the basic elements of my caseload. If we were 50% of the way thru the reply (after 90 days passing since the scheduling), I could understand the need for the extension, but under the "no contact" situation, it is nothing but avoidance with plans for another last minute, underprepared submission, without my input.

With the understanding that the deadline has been extended, I plan to comply with the new deadline (although the Reply has been completed for weeks in ProSe). I will submit it near the end of March 2018.

I am enclosing a copy of the original February 19, 2018 termination letter, since much of the mail I send from Brooklyn MDC disappears and does not reach its destination (including prior documents to the EDNY Court and my attorneys). It is not believable that over 50% of my mail (legal and personal) simply is "lost", but it is.

I reiterate the fact that I do not need to be in Court for the termination matter (as the first letter suggested) unless Your Honor requires it for the basic assignment of stand-by counsel.

Thank you for your immediate attention in this matter. G-d bless. Phil Kenner



TRULINCS 07480408 - KENNER, PHILLIP A - Unit: BRO-J-A

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FROM: 07480408  
TO:  
SUBJECT: 13-CR-607 (JFB) --- Termination of Counsel  
DATE: 02/19/2018 08:30:24 PM

February 19, 2018

Dear Judge Bianco:

This letter is to inform the Court that I wish to terminate my relationship with Attorney Jesse Siegel. I find Mr. Siegel to be a very kind and friendly person, however my experience with him has become clear that he is too busy to handle the open issues in my case.

Over three (3) months ago, I requested that he speak with the AUSA's Office about scheduling a Fatico hearing and/or agree to submit Fatico briefs regarding the alleged schemes related to loss amounts. He agreed with me and confirmed he would arrange it. After a month, I was informed that only Forfeiture Reply and Rebuttal briefs were scheduled, followed by April 2018 oral arguments. I was told Fatico would not be addressed at all until after oral arguments in April. On that day, I handed Mr. Siegel a disk with a fully annotated reply to the Government's 69-page Forfeiture summary, including all necessary exhibits. With 90-days to complete the reply, I asked for his draft in a timely manner, so we could review it and handle any and all necessary changes. A similar issue occurred with his PSR Objection submission, without a draft to review (leaving inaccuracies in the final submission). I am submitting this letter to the Court 80-days after that communication/meeting. Not one single discussion regarding the pending submission has occurred. Thus, I have already completed my Reply for the Court and will submit in ProSe next week.

An identical disconnect occurred related to a 2255 Motion I independently prepared and delivered to Mr. Siegel prior to Constantine's submission. As the Court is aware, this Motion was not submitted on my behalf.

Similarly to my previous counsel's desire to NOT include me in my own defense, I submitted an outstanding to-do list to Mr. Siegel for issues related to my current defense submissions months ago. None of them were ever addressed, consistent with Mr. Haley and Mr. Pittel's lack of action.

In consideration, can Your Honor please assign stand-by counsel with a paralegal and investigator? The attorneys have been too busy to meet regularly to discuss the open issues properly. The necessary preparation work has been routinely ignored, and I need someone who can regularly visit AND spend the necessary time to discuss the pending issues and handle issues properly with me, leaving appropriate time to respond.

I do not need to come to Court, unless Your Honor desires for me to further address the issues. Stand-by counsel, a paralegal and/or an investigator can visit me at MDC after they are assigned to me in ProSe.

Thank you for your immediate attention. G-d bless. Phil Kenner